



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Ms. Michelle L. Martin, Secretary
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Jessie W. Smith, Senior Engineer,
Transportation Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. John W. Harmon, Manager, Right of Way,
Utilities Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Captain P. M. Spraker, Commander, Support
Services Division, Police Department
Mr. James W. Eicher, CPTED Planner, Crime Prevention Unit,
Support Services Division, Police Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)

C. Review Day's Agenda.

(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

D. Plans and Information Section Update.

E. Work Program – Review and Update.

F. Consideration of the following Administrative Substantial Accord Determination:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0398 Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1744A Birkdale
06PD0399 Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1743 Reedy Branch (Welton)
G.	<u>Proposed Upper Swift Creek Plan and Related Ordinance Amendments.</u>		
H.	<u>Proposed Northern Courthouse Road Community Plan.</u>		
I.	<u>Proposed Code Amendment Relative to Sale of Alcoholic Beverages Within Proximity of School Sites.</u>		
J.	<u>Report on Age-Restricted Housing in Chesterfield County.</u>		
K.	<u>Security for High Density Residential Projects.</u>		
L.	<u>Adjournment.</u>		

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner stated that, due to the length of the agenda, the presentation of Item B., Review Upcoming Agendas, would be abbreviated and if the Commission desired, staff would present a complete overview of the cases at the end of the Work Session, time permitting.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission amended the agenda to revise Item B., Review Upcoming Agendas, to an abbreviated presentation of pending cases.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Ms. Peterson presented an abbreviated overview of the Commission's upcoming case schedules for the August 15, September 19 and October 17, 2006 Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Mr. Turner outlined staff amendments to the June 20, 2006, Planning Commission meeting minutes, which he noted would be considered at the 3:00 p. m. Afternoon Session.

Ms. Peterson presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

Mr. Schlaudt presented an overview of, and staff's recommendation for, a proposed Code Amendment relating to dwelling units in the Ettrick Village and Matoaca Village commercial areas.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson stated the Workforce Housing Task Force Committee met on 07/06/06 and he updated the Commission as to the Committee's proposed recommendations.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their August 2006 Work Program.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0398 Matoaca	New Cingular Wireless PCS, LLC	Substantial Accord Determination	R1744A Birkdale

Mr. Turner stated the applicant had submitted a written request to defer Case 06PD0398 to the August 15, 2006, Planning Commission meeting.

No one was present to represent the request.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06PD0398 to the August 15, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

There was discussion relative to revising the *Substantial Accord Policy for Public Facilities* to include a provision for the notification of adjacent property owners and upon conclusion of the discussion, the

Commission requested staff schedule discussion of an amendment to the *Substantial Accord Policy for Public Facilities* on their August 15, 2006, Work Session agenda.

06PD0399
Matoaca

New Cingular Wireless
PCS, LLC

Substantial Accord
Determination

R1743
Reedy Branch (Welton)

Mr. Turner stated the applicant had submitted a written request to defer Case 06PD0399 to the August 15, 2006, Planning Commission meeting.

No one was present to represent the request.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06PD0399 to the August 15, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. PROPOSED UPPER SWIFT CREEK PLAN AND RELATED ORDINANCE AMENDMENTS.

Mr. Bowling updated the Commission as to the status of the ongoing proposed *Upper Swift Creek Plan* and related Ordinance amendments.

Mr. Gecker left the meeting.

There was discussion relative to: the land use element of the proposed *Plan* and its relationship to water quality and transportation issues; how the proposed *Western 360 Corridor Plan* was incorporated into this *Plan*; transportation funding; rehabilitation of Otterdale Road to the point at which it transected Powhite Parkway; expansion of the "deferred growth area" to Otterdale Road until area transportation concerns were resolved; separating the water quality and land use components of the *Plan*; and other concerns.

Upon conclusion of the discussion, it was on motion of Mr. Bass, seconded by Mr. Gulley, that the Commission requested staff schedule an update of the water quality component of the *Plan* at their August 15, 2006, Work Session and schedule an update of information regarding the land use component of the proposed *Upper Swift Creek Plan* and related Ordinance Amendments on their September 19, 2006, Work Session agenda.

AYES: Messrs. Wilson, Gulley, Litton and Bass.

ABSENT: Mr. Gecker.

H. PROPOSED NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.

Mr. Gecker returned to the meeting.

Mr. Gulley stated he had numerous concerns relative to staff's version of the proposed *Plan* amendment; indicated he wished to meet with staff to formulate an alternative version of the *Plan* capturing his concerns and that the alternative *Plan* be provided in an underline/strikeout format; asked that both versions of the *Plan*, one outlining staff's proposal and one outlining his proposal, be provided at the August 15, 2006, Work Session; and that staff review tentative dates in late August and early September 2006, for scheduling public community meetings.

There was discussion relative to the scheduling of an additional Work Session presentation in August; citizens' participation meetings in late August/early September and public hearing in October 2006.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission deferred the proposed *Northern Courthouse Road Community Plan* to their August 15, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

I. PROPOSED CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.

Mr. Schlaudt presented an overview of the proposed Code Amendment, including additional information requested by the Commission at their June 20, 2006, Work Session; staff's recommendation; and asked the Commission to consider scheduling August 15, 2006 for public hearing.

There was discussion relative to the need for a more expansive review of the current Ordinance; the provision of data/statistics from the Police Department, or other entities, to support or deny any harm emanating from "grandfathered" establishments permitted to sell alcoholic beverages near existing school sites; concerns regarding the "property line to property line" concept; exploration of the concept of posting "alcohol free zone" signage, similar to the currently used "drug free zone" signage, within proximities of schools; and other concerns.

Upon conclusion of the discussion, it was on motion of Bass, seconded by Mr. Gecker, that the Commission deferred further discussion of the proposed Code Amendment relative to the sale of alcoholic beverages within proximity of school sites to their October 17, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

J. REPORT ON AGE-RESTRICTED HOUSING IN CHESTERFIELD COUNTY.

Mr. Larson presented an overview of an analysis of "Age 55+ Targeted Housing in Chesterfield County," noting that demographic trend analyses indicated the population of the County was aging at an increasing pace which would have a profound effect throughout the County's current and future housing stock and economy.

Concerns were expressed relative to the total number of existing and/or approved-for-construction "age 55+" housing stock in the County; applicants not providing full cash proffers to address the impact of residential developments on school capital facilities; and other concerns.

Upon conclusion of the discussion, it was the consensus of the Commission that age-restricted related conditions/proffers should no longer be accepted in zoning cases. The Commission encouraged the Board to review its practice of accepting reduced cash proffers for such housing and was concerned with enforcement issues restricting individuals younger than age 55 living in age 55+ targeted housing with zoning conditions.

K. SECURITY FOR HIGH DENSITY RESIDENTIAL PROJECTS.

Captain P. Michael Spraker, Commander of the Support Services Division of the Police Department, presented a brief summary regarding a disturbing rise in police calls in certain higher density residential projects. Captain Spraker indicated that, to address this public safety concern, staff would be asking applicants in such zoning cases to proffer a condition to either enter into a contract with the County providing for the permanent presence of a Chesterfield County police officer on the premises or to submit an alternative plan, for the review and approval by the County Police Department, for providing security at the property.

Upon conclusion of the discussion, Mr. Turner indicated staff was already negotiating with multifamily developers to meet the increasing security needs of their developments and he would be working with staff on the preparation of a condition to be discussed at the August 15, 2006, Work Session.

Mr. Jim Eicher, CPTED Planner, Support Services Division of the Police Department, distributed information and summarized the Crime Prevention Through Environmental Design (CPTED) program.

There was discussion relative to Crime Prevention Through Environmental Design (CPTED) strategies; the application and maintenance of the CPTED strategies and techniques as a mechanism to eliminate and/or reduce the probability of crime, encourage safe environments and to improve the quality of life; and other issues of concern.

Upon conclusion of the discussion, the Commission requested the Police Department staff present an overview of the Crime Prevention Through Environmental Design (CPTED) strategies at their August 15, 2006, Work Session, to include the impact of the program on development design criteria.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

L. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the Commission adjourned at approximately 2:20 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission amended the agenda to add to the 7:00 p.m. Evening Session new Items VI. and XIII., Citizens' Input on Unscheduled Matters; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the June 20, 2006, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to approve the June 20, 2006, Planning Commission minutes, with the following corrections:

Page 37, paragraph 11:

"Mr. ~~Wilson~~ Gecker opened the discussion for public comment."

Page 38, paragraph 2:

"There being no one else to speak, Mr. ~~Wilson~~ Gecker closed the public comment."

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS.

06TS0361: In Midlothian Magisterial District, **ROCKSTONE, LLC** requested Planning Commission approval of an eight (8) lot single family subdivision. The minimum lot size is 40,075 square feet and the maximum lot size is 48,787 square feet. This development is commonly known as **ROXSHIRE PHASE II**. This request lies in a Residential (R-40) District on an 8.44 acre parcel fronting approximately 252 feet on the south line of Robious Road approximately 303 feet east of Corner Rock Road. Tax IDs 735-716-6150 and 8642 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, accepted deferral of the request by Mr. Gecker to the August 15, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06TS0361, Rockstone, LLC (Roxshire Phase II), to the August 15, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PW0402: In Bermuda Magisterial District, **D.C. ASSOCIATES** requested modification to development standard Section 19-589.2. Specifically, the applicant requests relief from the requirement that no more than one (1) row of parking is permitted between buildings and Route 10. This development is commonly known as **MEADOWVILLE COMMONS**. This request lies in a Community Business (C-3) District on a 3.28 acre parcel fronting approximately 310 feet on the north line of Route 10 approximately 600 feet west of the intersection of East Enon Church Road and Route 10. Tax IDs 823-648-7509 and 9201 (Sheet 35).

Mr. Andy Scherzer, the applicant's representative, accepted deferral of the request by Mr. Wilson to the August 15, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 06PW0402, D. C. Associates (Meadowville Commons), to the August 15, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0363:* In Clover Hill Magisterial District, **KROGER MID-ATLANTIC** requested site plan approval, as required by conditions of zoning. This development is commonly known as **KROGER FUEL CENTER**. This request lies in a Community Business (C-3) District on a 2.3 acre parcel fronting approximately sixty-seven (67) feet on the north line of Hull Street Road, also fronting approximately 550 feet on the east side of Hicks Road and located in the northeast quadrant of the intersection of these roads. Tax ID 759-692-2165 (Sheet 11).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that site plan approval for Case 06PR0363, Kroger Mid-Atlantic (Kroger Fuel Center), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. Prior to any occupancy of the fuel station, an easement, acceptable to the County Attorney and the Planning Department, shall be recorded dedicating space for construction of the tower element by others, pursuant to Section 19-585.5, paragraph 5.
2. Plans shall be revised and resubmitted in accordance with the staff review comments (see below). (P)

REVIEW COMMENTS:

1. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Include a revision date on the resubmitted plans. Describe how you have addressed each review comment and/or condition of Planning Commission approval. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments or by conditions of Planning Commission approval. (P)
2. Show the county project number 06-0116 on the lower right hand corner of each sheet. (U)
3. Submit a new irrigation meter showing the hose bib and irrigation demand on one (1) meter sizing form. (U)
4. According to our records, there is an existing 5/8" meter on the property. Show the meter on the plans. If the existing meter is not going to be used, show it to be abandoned. (U)
5. Show the existing water and sewer easements with deed book and page number of recordation. (U)
6. Are there any plans for future buildings on the site that may use county sewer? If not, show the existing sewer stub to be abandoned. (U)
7. Cross connection control and backflow prevention shall be in accordance with the uniform statewide building code. (U)
8. Required water flows for fire protection purposes shall be shown on the submitted drawings. Refer to the International Fire Code (2003), Section B105 and the County Code of Chesterfield for exceptions allowed for sprinkler-protected buildings. Refer to the International Fire Code (2003) Section B104, B104.1, B104.2 and B104.3 for the calculation process and allowances. The correct format and calculation sheet can be obtained via the internet at Chesterfield County - Chesterfield Fire and EMS - Division of Fire and Life Safety -- <http://www.chesterfield.gov/publicsafety/fire/plans.asp> (F)
9. Provide computer-generated water flow test data verifying the required water flow for fire protection is available at the site. The water flow test results and graph shall be shown on

the submitted plan. The minimum required fire flow for all buildings, with the exception of one (1) and two (2) family dwellings, is 1500 gpm (sprinkler protected or non-sprinkler protected) in accordance with the International Fire Code (2003) Section B105.2 and Table B105.1. (F)

10. Drainage easements must be shown along any stormwater conveyance system which receives runoff from offsite, from a public right-of-way or requires improvements on a downstream property owner. Provide a drainage easement - private over stm-1 that extends to the Snead property. (EE)
11. Provide a detail for the oil/water separator. (EE)
12. Safety fence (std. & spec 3.01) is required around all sediment traps and sediment basins. (EE)
13. Provide legible notes under construction notes on sheet C-7. (EE)
14. Any soil stockpile area must be located on the plans. Silt fence must be provided around the perimeter if it is located outside the perimeter erosion controls for the site. (EE)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06PR0403: In Bermuda Magisterial District, **TASCON GROUP, INC.** requested Planning Commission approval of the water quality plan, required by Condition 5 of Case 04SN0314. This development is commonly known as **MAGNOLIA LAKES**. This request lies in Neighborhood Business (C-2) and Multifamily Residential (R-MF) Districts on thirty (30) acres fronting approximately 914 feet on the north line of Route 10 approximately 1,800 feet east of the intersection of Chalkley Road and Route 10. Tax IDs 780-653-5018, 6454 and 7185; 781-652-5796; 781-653-0770, 1911, 7245 and 9416; and 782-653-0241 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of a water quality plan, as required by Condition 5(a) of Case 04SN0314, for Case 06PR0403, Tascon Group, Inc. (Magnolia Lakes), shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05TS0196:* (Amended) In Midlothian Magisterial District, **DARREL NEILSON** requested approval of a nineteen (19) lot tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on 24.74 acres fronting approximately 800 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax IDs 735-721-2025 and 736-720-7067 and 8978 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Wilson opened the discussion for public comment.

Ms. Nancy Frantel, a County resident, noted concern relative to abandoned, underground mines, the potential for the collapse of mine shafts in the area and asked that the request be denied.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gecker stated, in his opinion, the proposal complied with the Subdivision Ordinance; the "Request Analysis" and conditions listed therein, adequately addressed concerns relative to area coal mines; and he felt approval was appropriate.

Mr. Bass expressed concerns relative to lots within the proposed development delineated as being located on coal mine shaft sites; indicated he did not feel requests including known coal mine shafts should be approved; and stated he felt the Commission was not fulfilling their obligation to citizens by approving such requests.

In response to questions from Mr. Gecker, Ms. McGee referenced the requirements with which the applicant must comply to ensure no homes were constructed over shaft or any other mining activity.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that tentative subdivision approval for Case 05TS0196, Darrel Neilson (The Battery at Old Gun), shall be and it thereby was granted, subject to the following conditions and review notes:

CONDITIONS

1. Thirty five (35) feet of right of way, measured from the centerline of Old Gun Road, shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, in conjunction with recordation of the first section of this tentative. (T)
2. The ditch line on Old Gun Road shall be relocated to provide an adequate shoulder in conjunction with road construction of the first section of this tentative. (T)
3. The driveway for the existing residence located at 3220 Old Gun Road West shall be relocated from Old Gun Road to the Salles Crossing Drive as part of construction of Salles Crossing Drive. (T)
4. There shall be no road connection between Salles Crossing Drive and GrayScott Lane in the Tarrington Subdivision and no driveway connection from any lots in the Tarrington Subdivision to Salles Crossing Drive. (T)
5. Any and all coal mine sites shall be located on all final check and record maps. (P)
6. With the construction plan approval process and prior to recordation, all areas of former mining activity shall be eliminated in a suitable fashion as documented by a licensed,

professional expert. At a minimum, reclamation of former mining activity shall be consistent with DMME reclamation guidelines as confirmed by written documentation from DMME. In addition to the documentation of the location and reclamation of former mining activities, the geo-technical expert shall designate those lots which in his opinion should have borings taken in order to assure that a home is not built over shafts or any other previous mining activity. (EE)

7. The geo-technical experts report should include the following:
 - a. The location and analysis to include but not be limited to type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of all found mining pits or tailing heaps on the project.
 - b. A statement shall be included that the only previous mining activity found on the site are those shown on the tentative or subdivision plat.
 - c. The report shall clearly establish fill-in/reclamation procedures, setbacks between the perimeter of any shaft reclaimed or otherwise and any other safety measures intended to protect the health, safety and welfare of people as well as the integrity of structures in which people will be living.
 - d. The report shall indicate that all former mining activity shall be filled in/reclaimed under the direction of the geo-technical consultant.
 - e. All reclamation shall be observed by a qualified geo-technical expert acceptable to the Environmental Engineering Department and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the plat recordation, a copy of the certification shall be submitted to the Environmental Engineering Department.
 - f. The accepted report shall address the impact of any horizontal shafts as to any effect on construction and any future health, safety and welfare issues.
 - g. On those lots where the geo-technical consultant believes soil borings are required. Geo-technical soil borings shall be performed for the purposes of establishing an acceptable building envelope in sufficient number and array and to a sufficient depth to confirm that only undisturbed natural soil profiles are within the footprint of the proposed building and that the building site is not impacted by any horizontal shafts.
 - h. Allowable building envelopes whose size and location is established based on the recommendations and boring logs of a qualified geo-technical expert acceptable to the Environmental Engineering Department shall be placed on the construction plan and subdivision plat for those lots where no such information is provided, the report from the geo-technical expert shall confirm that such information is not necessary for those lots. (EE)

8. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
9. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
10. Approval of the road and drainage plans by Plantation Pipeline in relation to its easement and facilities therein is a prerequisite to construction plan approval by the Environmental Engineering Department. A quit claim to VDOT or a satisfactory commitment thereof by Plantation Pipeline for the location where Salles Crossing Place right of way will cross the Plantation Pipeline easement shall be a prerequisite to subdivision plat recordation. (EE)
11. The areas of storm-water runoff concentration as discussed in the Environmental Engineering Department tentative report dated April 18, 2006, will be field located and shown on the plans. The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)
12. The subdivider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
13. All stub road water lines shall be eight (8) inch in diameter unless otherwise indicated by the Utilities Department, and shall be extended to the edge of pavement. Please graphically show this on the revised tentative plan between lots 7 and 8. (U)
14. It is the subdivider's responsibility to see that this proposed development complies with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
15. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)

REVIEW NOTES:

- A. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- B. Standard conditions. (P)
- C. Buffers shall comply with Section 17-70. (P)

- D. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- E. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design per 24 vac 30-90-150 of the 1996 Subdivision Street Requirements (SSR). (VDOT)
- F. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- G. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- H. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's Thoroughfare Plan requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
 - 1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 - 2. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- I. All USACOE jurisdictional wetlands within proposed right of way to be state maintained shall be considered impacted. (VDOT)
- J. The disposition of any/all mine shafts within proposed right of way to be state maintained shall be addressed in accordance with all local, state and federal regulations. Documented evidence that compliance with these regulations has been achieved must be provided to VDOT prior to acceptance of this street into the Secondary System of State Highways. (VDOT)
- K. Specific street design issues shall be addressed at the time of detailed geometric and hydraulic review of construction plans for this project. It should be noted that minimum intersection sight distance requirements are addressed in the current edition of the VDOT Minimum Standards of Entrances to State Highways. (VDOT)

AYES: Messrs. Wilson, Gecker, Gulley and Litton.
NAY: Mr. Bass.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05PR0219:* In Midlothian Magisterial District, **JAMES DORAN COMPANY** requested Planning Commission approval of a site plan for a development that integrates apartments, retail/office uses and parking decks. This development is commonly known as **WINTERFIELD VILLAGE**. This request lies in a Community Business (C-3) District on 27.43 acres fronting on the north line of Midlothian Turnpike west of Winterfield Road, also fronting on the west line of Winterfield Road north of Midlothian Turnpike. Tax IDs 724-709-7661 and 725-709-7635 (Sheet 5).

Mr. Allen presented an overview of the request, noting staff's recommendation for denial relative to continued outstanding transportation and design issues. He stated, due to the unresolved design issues involving Winterfield Road and site access, the applicant had not been able to settle on a final design for the site and, at this time, anticipated addressing road and access design portions of the site plan to the Planning Commission. He noted Transportation Department staff was available to address questions from the Planning Commission.

Mr. William Shewmake, the applicant's representative, stated the applicant desired to obtain approval of redesigned Winterfield Road so that construction documents could be finalized for release by staff and construction of the road could commence prior to the Winterfield Village development; and stated the applicant intended to withdraw all elements of the request except the portion relative to the Winterfield Road roundabout design. He stated an agreement had not been reached with Mr. Bowman regarding the right of way on his mother's property; noted the revised plan had been submitted to the appropriate officials for approval; and asked the Commission to consider approval of the roundabout without inclusion of the additional right of way.

Mr. Chris Shust, design consultant for the project, stated he had received confirmation from the Virginia Department of Transportation (VDOT) that the revised roundabout plan, excluding the additional right of way on the Bowman property, was acceptable.

Mr. Wilson opened the discussion for public comment.

Mr. Doug Bowman, son of an adjacent property owner, stated he did not support approval of the request, as presented; cited concerns that the revised proposal had negative implications that would preclude access from Winterfield Road to his mother's property; and asked the Commission to defer the request to allow him the opportunity to review the revised plan.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Coalition, supported approval of the request, indicating the need to encourage the continued slowing of traffic in the area and expanding the village atmosphere toward Winterfield Road.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Shewmake stated the Bowman property was currently vacant but would have access to Winterfield Road.

In response to questions from Mr. Bass, Mr. Jessie Smith indicated the location where the Bowman property would access Winterfield Road, noting that this access was also delineated as the fourth (4th) connection to Winterfield Road desired by VDOT.

Mr. Shust confirmed that VDOT supported and wanted the option of a fourth (4th) connection to the roundabout at Winterfield Road.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission acknowledged withdrawal of all elements of the site plan, except the design and realignment of Winterfield Road, and resolved that approval for only the revised plan for the general layout of Winterfield Road, to include the roundabout, without additional right of way, for Case 05PR0219, James Doran Company (Winterfield Village) shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley and Litton.

NAY: Mr. Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:31 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Members of Boy Scout Troup 822 (Winterpock) led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting there were fourteen (14) cases on the August 15th agenda; fourteen (14) cases on the September 19th agenda; and five (5) cases on the October 17th agenda. He noted the Commission, at their June 20th meeting, suspended their By-Laws to increase the August and September caseloads to accommodate deferrals only.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

No one came forward to speak on unscheduled matters at this time.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRALS BY APPLICANTS.**

05SN0102:* (Amended) In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to September 19, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 units per acre or less. This request lies on 26.4 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road and also fronting approximately 450 feet on the east line of Hopkins Road approximately 470 feet north of Old Lane. Tax IDs 785-666-8528; 786-666-3851; and 786-667-3619.

Mr. Dean Hawkins, the applicant's representative, requested deferral to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0102 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to October 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944.

Mr. Jim Theobald, the applicant's representative, requested deferral to the October 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0235 to the October 17, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0310:* In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to September 19, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Ms. Ashley Harwell, the applicant's representative, requested deferral to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0310 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0155:* (Amended) In Midlothian Magisterial District, **CONTINENTAL 184 FUND LLC** requested deferral to August 15, 2006, for consideration of rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to

permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Mr. John Easter, the applicant's representative, requested deferral to the August 15, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0155 to the August 15, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY INDIVIDUAL PLANNING COMMISSIONERS.**

06SN0194:* (Amended) In Clover Hill Magisterial District, **BLUESTONE REAL ESTATE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 28.9 acres fronting approximately 1,220 feet on the north line of Hull Street Road at its intersection with Ladino Lane. Tax IDs 750-687-7530, 9465, 9741 and 9882; and 751-687-1519, 3263, 6434 and 6883.

Mr. John Easter, the applicant's representative, accepted deferral of the request by Mr. Gulley to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0194 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0256:* In Dale Magisterial District, **HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP)** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use

corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Mr. Henry Myers, Jr., the applicant, accepted deferral of the request by Mr. Litton to the September 19, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0256 to the September 19, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0272:* In Clover Hill Magisterial District, **PERSIAN PROPERTY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 4.5 acres fronting approximately 500 feet on the south line of Hull Street Road, also fronting approximately 370 feet on the east line of Astor Road and located in the southeast quadrant of the intersection of these roads. Tax ID 758-690-2095.

Mr. S. Banerjee, the applicant's representative, accepted deferral of the request by Mr. Gulley to the August 15, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0272, to the August 15, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

06SN0200:* (Amended) In Bermuda Magisterial District, **PHILLIP W. HUGHES** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.4 acres fronting approximately 200 feet on the north line of West Hundred Road, also fronting approximately 200 feet on the west line of Osborne Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 793-656-4144, 4148, 4425 and 5233.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation, noting concerns relative to building density, architectural style compatibility, use limitations and vehicular access had been addressed, as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0200 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Timbering Restriction. With the exception of timbering to remove dead or diseased trees which have been approved by the Virginia Division of Forestry, there shall be no timbering until a Land Disturbance Permit has been issued by the Environmental Engineering Department and the appropriate devices installed. (EE)
2. Stormwater Management. Stormwater management shall be provided by onsite retention or a combination of onsite and offsite improvements as approved by the Chesterfield County Department of Environmental Engineering. (EE)
3. Use of Public Utilities. The public water and wastewater systems shall be used. (U)
4. Transportation.
 - a. Right-of-Way Dedication.
 - i) West Hundred Road. Prior to final site plan approval, forty-five (45) feet of right-of-way, as measured from the centerline of that part of West Hundred Road (State Route 10) directly adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - ii) Osborne Road. Prior to site plan approval, thirty-five (35) feet of right-of-way, as measured from the centerline of that part of Osborne Road (State Route 616) directly adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - iii) Additional Requirements. Any additional right-of-way or easements shall be dedicated, free and unrestricted, to and for the County of Chesterfield which may be required for the improvements not otherwise provided for or described herein. (T)
 - b. Vehicular Access Restrictions.
 - i) West Hundred Road. There shall be no direct vehicular access to the request parcel from West Hundred Road.

- ii) Osborne Road. Any direct vehicular access to Osborne Road shall be approved by the Planning Commission.
- 5. Use Limitations. The uses permitted shall be limited to the following:
 - a) Churches and/or Sunday schools.
 - b) Offices.
- 6. Architectural Design. Buildings shall not exceed a cumulative total of 8,000 gross square feet. All buildings shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0249: In Midlothian Magisterial District, **E. CORY DEAN** requested Conditional Use and amendment of zoning district map to permit a private school and child care center in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies on 10.2 acres fronting approximately 630 feet on the south line of Midlothian Turnpike, also fronting approximately 690 feet on the west line of Coalfield Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 728-707-3861 and 6588.

Mr. Vince Valenti, the applicant's representative, accepted staff's recommendation, as outlined in the Addendum.

Mr. Wilson opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported approval of the request and asked that the *Thoroughfare Plan* be revisited in the future to consider reclassifying Coalfield Road.

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission acknowledged withdrawal of the childcare center use and resolved to recommend approval of the private school use for Case 06SN0249, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

- 1. Except where the requirements of the underlying Residential (R-7) zoning are more restrictive, any new development for school use shall conform to the requirements of the Zoning Ordinance for commercial uses in the Midlothian Village Core. (P)
- 2. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing

single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot setback and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review. (P)

3. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These setbacks and buffers may be modified by the Planning Commission at the time of plan review. (P)

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of right-of-way along the west side Coalfield Road, measured from the centerline of the roadway immediately adjacent to the property, shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
2. Direct vehicular access from the property to Coalfield Road shall be limited to one (1) entrance/exit located towards the southern property line. The exact location of this entrance/exit shall be approved by the Transportation Department. Direct vehicular access from the property to Midlothian Turnpike (Route 60) shall be limited to the existing entrance/exit that generally aligns Sycamore Square Drive. (T)
3. The developer shall be responsible for:
 - a. Construction of sidewalk along Route 60 and Coalfield Road for the entire property frontage, and
 - b. Dedication of any additional right-of-way (or easements) required for these improvements. (T)
4. Prior to any site plan approval, a phasing plan for the improvements identified in Proffered Condition 3 shall be submitted to and approved by the Transportation Department. (T)
5. Any school use on the property shall not be open to the public before 9:00 AM and after 4:00 PM (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0293: In Bermuda Magisterial District, **THE BOARD OF SUPERVISORS-CHESTERFIELD COUNTY** requested Conditional Use and amendment of zoning district map to permit an above-ground

utility structure. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in Manufactured Home Subdivision (MH-2) and Heavy Industrial (I-3) Districts on 3.0 acres fronting approximately 100 feet on the east line of Lansmill Drive south of Pine Forest Drive, also fronting approximately 690 feet along both sides of Arrowfield Road approximately 4,110 feet east of Jefferson Davis Highway. Tax IDs 802-630-Part of 5160 and Part of 8859; 803-629-3232 and Part of 3705; and 803-630-Part of 9122.

Mr. John Harmon, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0293, subject to the following condition:

CONDITION

Any building or mechanical equipment shall comply with Sections 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: This condition would require the screening of mechanical equipment, located on, or associated with, any building from adjacent properties and public rights of way.)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0299: In Clover Hill Magisterial District, **GENITO PROPERTIES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit commercial uses and outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 13.2 acres fronting approximately 980 feet on the south line of Genito Road across from South Ridge Drive. Tax IDs 737-687-4811, 6711, 7908 and 9207; and 738-687-2306.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

Mr. Wilson opened the discussion for public comment.

Ms. Roy Jordan, a resident of Duck River Road, did not support the request, citing concerns relative to hours of operation, ingress/egress, utilities, timbering and the lack of timely notification so area residents' concerns could be addressed.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Scherzer stated he appreciated, but was unaware of until this evening, Ms. Jordan's concerns, indicating there had been a public meeting at which there had been only three (3) attendees.

Mr. Gulley stated he had asked the applicant to go above and beyond the Commission's normal Policy notification requirements to ensure timely and sufficient notification of this project to area residents; however, no one had contacted him regarding the proposal. He stated he was prepared to proceed with the request but was willing to meet with Ms. Jordan and the applicant's representative to address her concerns prior to the request being considered by the Board of Supervisors.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0299 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Direct vehicular access from the property to Genito Road shall be limited to two (2) entrances/exits. The westernmost access shall align with the existing crossover on Genito Road that serves South Ridge Drive. The second access shall be generally located midway between South Ridge Drive and Shiloh Church Road. The exact location of these accesses shall be approved by the Transportation Department. Prior to final site plan approval, an access easement, acceptable to the Transportation Department shall be recorded from Genito Road at the westernmost access to serve the parcels identified as Tax ID 737-687-3752. (T)
4. In conjunction with recordation of the initial subdivision plat or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way, measured from the centerline of Genito Road, for the entire property frontage shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. To provide an adequate roadway system the owner/developer shall be responsible for the following:
 - A. Construction of additional pavement along Genito Road at the approved accesses to provide right turn lanes based on Transportation Department standards;
 - B. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right of way that is necessary for the improvements described in Proffered Condition 5, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the

obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

6. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 5, shall be submitted to and approved by the Transportation Department. (T)
7. Freestanding business signs shall be of a monument style. No exterior illuminated signs shall be permitted with the exception of one (1) project sign. (P)
8. No building shall exceed 30,000 gross square feet in area. (P)
9. Architectural Treatment
 - A. The building exterior (all sides) of any building within 200 feet of the ultimate right of way of Genito Road shall be constructed of a brick, decorative masonry, or stone finish. This shall not preclude decorative accents or trims of alternate materials (i.e. EIFS, precast concrete, etc.) subject to the review and approval of the Planning Department at the time of site plan approval.
 - B. The building exterior (all sides) of any building located further than 200 feet of the ultimate right of way of Genito Road shall be constructed with a Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features).
 - C. Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 10, or any building exterior that is deemed by the Planning Department to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

(Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)

10. Permitted uses shall be limited to the following:
 - A. Outside Storage, provided that:
 - i. Outside storage areas shall not be located within 300 feet of the ultimate right of way of Genito Road.
 - ii. Outside storage areas shall be screened from any internal private roads. Screening shall be accomplished by the use of durable opaque fences

and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. (P)

(Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)

- B. Except for the following uses which shall not be permitted, uses permitted by right or with restrictions in the Light Industrial (I-1) District:
 - i. Converting paper to paperboard products, paperboard containers and boxes.
 - ii. Moving companies, to include, but not limited to, households and businesses.
 - iii. Paper recycling by the compaction method.
 - iv. Recycling and processing of any material permitted to be manufactured in this district.
 - v. Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building.
 - C. Carpenter and cabinet makers' offices and display rooms.
 - D. Contractors' offices and display rooms.
 - E. Electrical. Plumbing or heating supply sales, service and related display rooms.
 - F. Repair services, excluding motor vehicle repair. (P)
11. Freestanding light fixtures shall not exceed a height of twenty (20) feet measured from the top of curb. (P)
12. The developer shall be responsible for notifying the last known representative of Plum Creek Subdivision of the submission of any site plan within the development. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)
13. Within the fifty (50) foot setback along Genito Road, in addition to the required perimeter Landscaping C as defined in the Zoning Ordinance, a row of evergreen shrubs shall be installed at a minimum height of two (2) feet to create a continuous hedgerow at maturity. The exact location and materials shall be subject to review and approval by the Planning Department at time of site plan review. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0304: In Bermuda Magisterial District, **DB&F ENTERPRISES, LLC** requested rezoning and amendment of zoning district map from Regional Business (C-4) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for general commercial use. This request lies on 1.6 acres fronting approximately 330 feet on the west line of Burge Avenue approximately 220 feet north of Willis Road. Tax ID 795-671-Part of 5688.

Mr. Robert Fitzgerald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0304.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0306: In Matoaca Magisterial District, **360 CAPITAL PARTNERSHIP, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Regional Business (C-4). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 0.9 acre fronting approximately 190 feet on the south line of Hull Street Road approximately 680 feet west of Bridgewood Road. Tax ID 738-680-1594.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation, as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0306 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Utilities. Public wastewater shall be used. (U)
2. Transportation. Direct vehicular access from the Property to Hull Street Road (Route 360) shall be limited to one (1) Entrance/Exit. In conjunction with initial development on the Property, an additional lane of pavement shall be constructed along the eastbound lanes of Hull Street Road for the entire Property frontage. Prior to the issuance of a certificate of occupancy for any development anticipated to generate more than 3,000 vehicles per day at the Entrance/Exit, as determined by the Transportation Department, a separate right turn lane shall be constructed along the eastbound lanes of Route 360 at the Entrance/Exit. (T)

3. Light Poles. Light poles shall have a maximum height of twenty (20) feet within the required building setback along Route 360 and shall not exceed a height of twenty-five (25) feet on the remainder of the Property. (P)
4. Notification of Site Plan. The developer shall be responsible for notifying the last known representative of Glen Tara Subdivision, Brandermill Community Association and the 360 West Corridor Committee of the submission of any site plan submission. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0308: In Dale Magisterial District, **LUCAS PROPERTIES, LLC** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies in a General Business (C-5) District on 25.2 acres fronting approximately 400 feet on the west line of Iron Bridge Road across from Ironbridge Parkway. Tax ID 773-655-4643.

Mr. Danny Barrett, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0308, subject to the following condition:

CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The copy display color shall either be white or yellow;
- c. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting effects shall be prohibited. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CODE AMENDMENT:**

- ◆ **DWELLING UNITS IN THE ETTRICK VILLAGE AND MATOACA VILLAGE COMMERCIAL AREAS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-131 of the Zoning Ordinance relating to dwelling unit uses in the O-1 District located in the Villages of Ettrick and Matoaca. The proposed amendment would add dwelling units in the village commercial areas of Ettrick Village or Matoaca Village to the list of uses permitted with certain restrictions in the O-1 zoning district. The proposed amendment would also correct a minor typo in the current Ordinance pertaining to single family dwellings as a restricted use in the O-1 District.



Mr. Schlaudt presented an overview of, and staff's recommendation for, the proposed Code Amendment, including a revision outlined in the Addendum.

Mr. Wilson opened the discussion for public comment.

Messrs. Tom Jacobson, Director of Revitalization, and Don Wenzel, an Ettrick business owner, supported the proposal

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment, including the revision outlined in the Addendum:

(1) That Section 19-131 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-131. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

000

- (i) Single-family dwellings, provided that:
 - (1) The dwellings are located in the Ettrick Village Core ~~and~~ or Matoaca Village Core village commercial areas.
 - (2) The dwellings are located on lots of not less than 7,000 square feet in area and not less than 50 feet in width.

These dwellings shall be exempt from division 3, development requirements – office, commercial and industrial, except for setback requirements, and except for architectural treatment (section 19-611).

- (j) A dwelling unit incorporated into a building with a permitted nonresidential use, provided that the dwelling unit is located in the village commercial areas of Ettrick Village or Matoaca Village.

~~(j)~~ (k) Communications towers, provided that:

- (1) Antennae are co-located on electric transmission structures.
- (2) Antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the transmission structure supporting the high tension electrical transmission lines and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) Antennae shall be gray or another neutral color acceptable to the planning department.
- (4) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(2) *That this ordinance shall become effective immediately upon adoption. (1925:72175.1)*

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

06SN0298: In Bermuda Magisterial District, **CHESTER UNITED METHODIST CHURCH** requested Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies in a Residential (R-7) District on 1.9 acres fronting approximately 200 feet on the west line of Percival Street, fronting approximately 270 feet on the south line of School Street, also fronting approximately 200 feet on the north line of Dodomeade Street and located at the intersection of these roads. Tax IDs 789-653-4492 and 789-654-5307.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the requested parking exception did not ensure provision of an adequate number of parking spaces and noted that alternative methods existed for providing off-site parking.

Mr. George Bryant, the applicant's representative, did not accept staff's recommendation, noting he had met with area residents to resolve their concerns and who now supported the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0298.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0301: In Bermuda Magisterial District, **TASCON IRONBRIDGE LLC** requested amendment to Conditional Use Planned Development (Case 04SN0314) and amendment of zoning district map to permit single family dwellings not located on individual lots in Tract B. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 7.0 dwellings per acre or more. This request lies in a Multifamily Residential (R-MF) District on 13.4 acres fronting approximately 500 feet on the east line of Chalkley Road approximately 700 feet north of Iron Bridge Road. Tax IDs 779-654-7016 and 780-654-0821, 1940 and Part of 0208.

Ms. Peterson presented an overview of the request and staff's recommendation for approval subject to the applicant addressing the impacts of the request on capital facilities.

Mr. Andy Scherzer, the applicant's representative, stated the application represented a housekeeping measure permitting dwelling units to be developed as single family dwellings not located on individual lots.

Mr. Wilson opened the discussion for public comment.

Ms. Karen Wood, a resident of Buckhurst Street, supported the request, noting a sewer line extended across Chalkley Road by new development would bring public sewer service closer to the existing Buxton Subdivision sooner than anticipated through other alternatives; alleviate the significant septic system problems being experienced by area homeowners; and maintain the value of homes within an existing, established residential neighborhood.

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0301 and acceptance of the following proffered conditions:

PROFFERED CONDITION

1. Master Plan. The textual statement dated April 11, 2006 and revised July 5, 2006, shall be considered "The Master Plan". (P)

(Staff Note: This Textual Statement replaces Item II of the Textual Statement approved as part of Case 04SN0314 for Tract B. All other previous conditions of Case 04SN0314 shall remain in effect.)

2. Dwelling Size. All single family dwelling units located on Tract B shall have a minimum gross floor area of 1,500 square feet. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0285:* In Bermuda Magisterial District, **LIBERTY PROPERTY DEVELOPMENT CORP.** requested amendment to Conditional Use Planned Development (Case 95SN0109) and amendment of zoning district

map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Light Industrial (I-1) District on 15.2 acres fronting approximately 720 feet on the west line of Meadowville Road, also fronting approximately 1,330 feet on the north line of Kingston Avenue at its intersection with Rivers Bend Boulevard. Tax ID 818-655-2192.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting, on July 14, 2006, the applicant submitted revised and additional proffered conditions and an exhibit which addressed concerns relative to dedication of right of way for the I-295/Meadowville Road interchange; the development of age-restricted dwellings; a possible layout for the development; the orientation of units as generally depicted on Exhibit A; and the recordation of restrictive covenants giving notification to prospective residents of the location of industrial and office uses in the River's Bend Business Park. He stated, however, staff continued to recommend denial of the request, as noted in the "Request Analysis," because it did not conform to the *Consolidated Eastern Area Plan* and transportation concerns relative to the construction of private roads had not been addressed.

Mr. Dana Dame, the applicant's representative, did not accept staff's recommendation, noting that well-planned, successful business parks included residential components, that the applicants had a substantial and vested interest in the park and felt the use was appropriate.

Mr. Wilson opened the discussion for public comment.

Mr. John Chevalier, representing D. O. Allen Homes, noted citizens at the last public hearing had expressed concerns relative to the impact of the proposal on adjacent and area property owners; cited actions taken to have their concerns addressed; and referenced a letter he sent area industrial and office users, to which he stated he received no response.

Ms. Carrie Coyner, representing three adjacent industrial property owners in Rivers Bend Park, opposed the request, citing concerns relative to inappropriateness of the proposed use and previous meetings with the applicants that she noted were unproductive. She stated her clients preferred that light industrial, and/or similar, businesses, be permitted in the park and asked that the Commission deny the request.

Mr. Jim Troy, a Rivers Bend resident, voiced opposition to the request.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Wilson stated, given the concerns expressed by adjacent residential and business property owners, he was not inclined to forward a favorable recommendation for the proposal.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 05SN0285.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0127:* In Clover Hill Magisterial District, **J. MARK SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate

for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 22.6 acres lying off the eastern terminus of North Vickilee Road and Vickilee Court, the northern terminus of Vickilee Road and western terminus of Marblethorpe Road. Tax IDs 746-699-8830; and 747-699-0340, 0744, 1248, 1750, 2453 and 4454.

Ms. Peterson presented an overview, and staff's recommendation for approval, of the rezoning subject to the applicant addressing the impact of the development on capital facilities. She noted further that staff recommended denial of the waiver to street connectivity requirement because the standards by which an exception to street connectivity should be granted had not been met. She referenced the Addendum, submitted on July 17, 2006, containing revised proffered conditions which addressed potential erosion impacts associated with timbering, not just that involving development, and the offer two (2) options for defraying the cost of capital facilities necessitated by this proposed development. She stated that circumstances relevant to this case, as presented by the applicant, had been reviewed; it had been determined to be appropriate to accept the maximum cash proffer in this case; and staff continued to recommend the applicant fully address the impact of the development on all categories of capital facilities. She stated, however, the Planning Commission and the Board of Supervisors, through their consideration of the request, may determine that there were unique circumstances that justified acceptance of proffers as offered.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, noted the application was a traditional in-fill development request; referenced/explained the two (2) options for defraying the cost of capital facilities necessitated by the development, noting his client had proffered to correct a serious drainage problem and had based his cash proffer on that commitment; indicated the density of the development was only forty (40) lots and the applicant, given the nature of the wetlands on the property, was requesting relief from the street connectivity requirements; and asked the Commission to consider a favorable recommendation.

Mr. Wilson opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the County Cash Proffer Policy, noting that the requirements impacted developer costs, increased the cost of homes and eliminated citizens' ability to purchase affordable housing in the County.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from Mr. Gulley, Mr. Pritchard addressed and answered questions relative to drainage/erosion concerns, noting the applicant had submitted a detailed cost estimate to correct an off-site drainage problem, which was determined by staff to be satisfactory.

Messrs. Wilson and Litton expressed concerns that the applicant's proffered conditions did not allow for escalation of payment in either of the two (2) offered options and indicated they could not support a recommendation for approval unless the Marshall and Swift Building Cost Index factor was included.

In response to Messrs. Wilson and Litton's concerns, Mr. Sowers explained the reason for omitting the Marshall and Swift Building Cost Index factor but noted he would amend his proffer to include the language prior to the request being considered by the Board of Supervisors.

Mr. Gulley stated he felt the applicant, through this development, would be solving an area drainage problem with off-site improvements that would benefit area residents and that the wetlands prohibited the need for street connectivity.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0127 and acceptance of the following proffered conditions, including the Addendum, and the applicant's commitment to amend Proffered Condition 2 to include the Marshall and Swift Building Cost Index:

PROFFERED CONDITIONS

Utilities

1. This development shall utilize public water and sewer. (U)

Cash Proffer

2. Applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a.
 - i. If drainage proffer 9a is to be used, \$11,225.00 per dwelling unit. At the time of payment, the \$11,225.00 will be allocated pro-rata among the facility costs as follows: \$3836.00 for schools, \$433.00 for parks and recreation, \$6415.00 for roads, \$250.00 for libraries, and \$291.00 for fire stations.
 - ii. If drainage proffer 9b is to be used, \$15,600.00 per dwelling unit. At the time of payment, the \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$5331.00 for schools, \$602.00 for parks and recreation, \$8915.00 for roads, \$348.00 for libraries, and \$404.00 for fire stations.
 - b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

Timbering

3. Timber management (thinning, etc.) will only be allowed upon submission and approval of the appropriate management plan to include erosion control and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the construction project erosion and sediment control plan/narrative and will not commence until the issuance of a land disturbance permit by the Environmental Engineering Department for subdivision construction and proper installation of erosion control measures. (EE)

Architectural Restrictions & Density

4. One story dwellings shall have a minimum gross floor area of 1500 square feet. Dwellings above one story shall have a minimum gross floor area of 1800 square feet. (P)
5. All exposed portions of the foundations of each dwelling unit shall be faced with brick veneer. Exposed piers supporting front porches shall be faced with brick veneer. (P)
6. Any residential lots having sole access through Briarcliff Subdivision shall have an average lot area of not less than 12,600 square feet. Such lots shall not exceed a density of 2.9 dwelling units per acre. (P)
7. Any residential lots having sole access through Heatheridge Subdivision shall have an average lot size of 13,500 square feet. Such lots shall not exceed a density of 2.7 dwelling units per acre. (P)
8. Any residential lots having sole access through Forest Acres Subdivision shall have an average lot size of 17,400 square feet. Such lots shall not exceed a density of 2.1 dwelling units per acre. (P)

Drainage

9. a. A post development drainage study shall be performed by the developer from the southern property line of the project through the existing downstream neighborhoods to the culvert under Cherylann Road.

The study shall determine the deficiencies in required capacity, the areas of storm-water inundations and the hydraulic interrelationships between the existing stormwater conveyance systems.

The study shall propose those onsite and offsite manmade improvements which will cause the study area to possess storm drainage capacity that meets, to the maximum extent physically practicable, minimum standards with respect to required manmade drainage improvements and flood plain management.

Upon approval by the Environmental Engineering Department of the drainage improvements called for in the study, the improvements shall be incorporated into the construction plans for the project and shall be implemented as the first phase of development.

The achievement of the storm drainage goals as presented in herein shall be to the maximum extent practicable as enabled by the successful level of acquisition of easements and the issuance of Corps of Engineers and Department of Environmental Quality permits.

- b. In the event that the developer, despite his good faith and due diligent efforts, is unable to obtain the easements required for the construction and maintenance of the above listed improvements, the developer shall request, in writing, that Chesterfield County acquire such easements. All costs associated with the acquisition of the easements shall be borne by the developer. In the event that Chesterfield County chooses not to assist the developer in acquisition of the easements, or if the developer, despite his good faith and due diligent efforts, is unable to obtain the wetlands permits required to construct the improvements, the developer shall be relieved of the obligations to make the drainage improvements listed above and shall instead shall retain storm-water onsite to meet predevelopment flows. (EE)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy" for Case 06SN0127 as it pertained to N. Vickilee Road and N. Marblethorpe Road.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0190:* In Midlothian Magisterial District, **GRAY LAND AND DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Industrial (I-2) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed uses and residential use of one (1) dwelling or less per acre. This request lies on 287.7 acres fronting approximately 3,730 feet on the west line of Route 288 adjacent to Powhatan County, also fronting a total of approximately 606 feet on the east line of Huguenot Springs Road approximately 1,650 feet north and approximately 150 feet south of Dragonade Trail. Tax IDs 713-712-Part of 8031; 715-714-4678; and 716-713-Part of 5414.

Ms. Peterson presented an overview of the request and staff's recommendation for approval subject to the applicant reducing residential densities north of the creek (Tract C) consistent with those recommended by the Plan. She referenced the Addendum, noting on July 18, 2006, in response to area property owners' concerns, the applicant revised Proffered Condition 13 to proffer require the recordation of a restrictive covenant in conjunction with the recordation of any subdivision plat.

Ms. Ashley Harwell, the applicant's representative, presented an overview of the request featuring delineated streams, topography, proposed tract developments, layout scenarios of the proposed development and outlined the proffered conditions, noting the key feature was the on- and off-site road improvements.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker expressed appreciation for the cooperative efforts of the developer and area residents in reaching agreement/resolution on this proposal, noting he was confident the developer would fulfill his commitments and obligations.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0190 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 715-714-4678, 713-712-8031 (part), and 716-713-5414 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for rezoning to C-3, with a conditional use planned development and a conditional use are granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated November 14, 2005, and last revised June 29, 2006, the Zoning Plan titled "Zoning Map, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June 5, 2006, prepared by Glave & Holmes Associates, and the Conceptual Plan titled "Conceptual Plan, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June 5, 2006, prepared by Glave & Holmes Associates, shall be considered the Master Plan. The Master Plan shall be considered the schematic plan set forth in Zoning Ordinance Section 19-261. (P)
2. Timbering. With the exception of timbering, which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Density.
 - A. The maximum number of dwelling units permitted on the Property shall be 1,600, of which a maximum of 400 dwelling units shall be permitted on Tract C and a minimum of 100 dwelling units shall be provided in Tract A.
 - B. Commercial and office uses shall be limited to a total maximum of 350,000 gross square feet.
 - C. Any commercial or office square footage located within the Live/Work units, as defined in the Textual Statement, shall count toward the non-residential maximums.

- D. Until construction has begun on a minimum of 70,000 gross square feet of commercial and/or office uses in Tract A, no more than a cumulative total of 900 residential dwelling units shall be permitted within Tracts A, B, and C. (P)
4. Transportation Density. The maximum density of this development shall be 250 single-family units, 1,100 townhouses, 250 senior adult units – detached, 75,000 square feet of shopping center, 150,000 square feet of general office, and 100 room hotel; or equivalent density as determined by the Transportation Department. (T)
5. Cash Proffers. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the Property:
- A. \$15,600.00 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- B. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay \$10,269.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The \$10,269.00 for any units developed shall be allocated pro-rata among the facility costs as follows: \$602 for parks, \$348 for library facilities, \$404 for fire stations, and \$8,915 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$10,269 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- C. If, upon the mutual agreement of the Transportation Department and the Developer, the Developer provides road improvements (the "Improvements"), other than those identified in Proffered Condition 10, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Developer shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be

limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Developer shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
- 6. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (B&M)
- 7. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition on age-restriction shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
- 8. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County, prior to, or in conjunction with recordation of the initial subdivision plat or prior to any first site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first. The exact location of these rights-of-way shall be approved by the Transportation Department.
 - A. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road A") from Watkins Centre Parkway to Route 60.
 - B. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road B") from Road A to Huguenot Springs Road.
 - C. Dedication of forty-five (45) feet of right-of-way from the centerline of Huguenot Springs Road along that part of Huguenot Springs Road immediately adjacent to the Property. (T)
- 9. Access.
 - A. No direct vehicular access, except for Road B and access for emergency or construction shall be provided from the Property to Huguenot Springs Road.
 - B. Prior to any site plan or in conjunction with tentative subdivision review, an access plan from the Property to Watkins Centre Parkway, Road A, or Road B, shall be submitted to and approved by the Transportation Department. Vehicular access

from the Property to these roads shall conform to the approved access plan. Prior to any site plan approval for Tract D, an access easement acceptable to the Transportation Department shall be recorded and/or a right-of-way dedicated to Chesterfield County, as determined by the Transportation Department, from Road A across Tract D to the adjacent properties. (T)

10. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required of the Developer. The exact design and length of these improvements shall be approved by the Transportation Department.
- A. Construction of a four-lane divided road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road A from Watkins Centre Parkway to Route 60.
 - B. Construction of a two-lane road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road B from Road A to Huguenot Springs Road.
 - C. Improve/widen the east side of Huguenot Springs Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.
 - D. Construction of additional pavement along Huguenot Springs Road at the Road B intersection to provide left and right turn lanes.
 - E. Construction of additional pavement along Watkins Centre Parkway, Road A, and Road B at each approved access, including the Road A/Road B intersection, to provide left and right turn lanes, based on Transportation Department standards.
 - F. Construction of a new crossover on Route 60 to serve Road A, if approved by VDOT, including left turn lanes in both eastbound and westbound directions.
 - G. Construction of additional pavement along Route 60 at the Watkins Centre Parkway and at the Road A intersections to provide right turn lanes.
 - H. Construction of additional pavement along Watkins Centre Parkway at its intersection with Route 60, to provide a six-lane typical section (i.e., two (2) northbound lanes and four (4) southbound lanes).
 - I. Construction of additional pavement along Road A at its intersection with Route 60, to provide a six-lane typical section (i.e., two (2) northbound lanes and four (4) southbound lanes).

- J. Construction of four (4) lane divided road including two (2) roundabouts for Watkins Centre Parkway to Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, from Route 60 to Roundabout 3, as generally shown on Exhibits A and B.
 - K. Construction of an additional westbound lane along Route 60 from the end of the Route 288 southbound ramp to a point beyond the Watkins Centre Parkway intersection for a distance of approximately 1,000 feet.
 - L. Full cost of traffic signalization at the Route 60 and Watkins Centre Parkway intersection; at the Road B and Huguenot Springs Road intersection; at the Road A and Road B intersection; at the Road A and the Route 60 intersection; and at each approved access onto Road A and onto Road B, if warranted, as determined by Transportation Department.
 - M. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
11. Phasing Plan. Prior to any site plan or prior to construction plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 10, shall be submitted to and approved by the Transportation Department. Unless otherwise mutually agreed upon by the Transportation Department and the Developer with supporting traffic study as required by the Transportation Department, the approved phasing plan shall require, among other things, that:
- A. In conjunction with initial development, a four-lane divided road for Road A from Route 60 to Watkins Centre Parkway and a two-lane road for Road B from Road A to Huguenot Springs Road including turn lanes and traffic signals for both roadways as determined by the Transportation Department, as described in Proffered Conditions 10.A, B, E, F, G, I and L, shall be completed, as determined by the Transportation Department.
 - B. Prior to recordation or site plan approval for a cumulative total of more than 900 residential units and 35,000 square feet of commercial and/or office uses, a four-lane divided road for Watkins Centre Parkway, from Route 60 to Roundabout 2 at Road A, as generally shown on Exhibits A and B, including a roundabout, turn lanes and a traffic signal as determined by the Transportation Department, as

described in Proffered Conditions 10.G, H, J and L, shall be completed as determined by the Transportation Department.

- C. In conjunction with any development that includes Road B to Huguenot Springs Road, improvements to and turn lanes along Huguenot Springs Road as described in Proffered Conditions 10. C and D shall be completed as determined by the Transportation Department. (T)
12. Route 288 Setback. A setback distance of two hundred (200) feet for a residential unit or lot, exclusive of required yards, shall be provided from the limited access right-of-way for Route 288, unless a noise study demonstrates that a lesser distance is acceptable as approved by the Transportation Department. Natural vegetation shall be retained within the setback area unless approved by the Planning Commission. (T)
13. Restrictive Covenant. At a minimum, the restrictive covenants shall contain language that addresses the following issues. Such restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat and/or site plan that are adjacent to the following Chesterfield County Tax Identification Numbers 713-713-3477, 713-714-1250, 713-715-2505, 713-715-9894, 714-715-0732, 714-715-3790, 714-716-5343, 714-716-6785, 714-717-9430, 715-717-3158, and 713-713-0255:
- A. In Tract C, Townhouses shall not be permitted within two hundred (200) feet of the property line that is shared in common with the Property and any of the parcels listed above.
 - B. In Tract B and Tract C, a minimum of fifty (50) feet of Open Space shall be provided along the property line that is shared in common with the Property and any of the parcels listed above. This Open Space area shall be owned by a Property Owners Association within the Development and retained as a buffer, except that (i) the removal of dead or diseased vegetation and (ii) utility or drainage easements shall be permitted. For any residential building lot which abuts this Open Space, a privacy fence, a minimum of five (5) feet in height, shall be constructed generally along the property line of each lot which abuts the Open Space. (P)
14. VDOT Standards. All roads that accommodate general traffic circulation through tracts that are developed for single-family, townhouse or condominium uses, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

G. CITIZENS' INPUT ON UNSCHEDULED MATTERS.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the County's Cash Proffer Policy, noting he felt accepting proffered conditions relative to age-restricted development was discriminatory and inappropriate.

H. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 8:34 p. m. to August 15, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Chairman/Date

Secretary/Date